IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.5006 of 2007.
IN
FIRST APPEAL NO. 2330 OF 2007.

Office notes, office memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Shri Dilip Bodake for the Applicant.
Shri G.S.Godbole for Respondent No.2.
Shri Y.M.Nakhwa, A.G.P. for the Respondent No.3.

CORAM : ABHAY S.OKA, J.

DATED : 20th November, 2007.

P.C.:

1. Rule. Advocates appearing for the Respondents waive service.

2. The First Appeal directed against an award made under section 30 of the Land Acquisition Act, 1894 has been admitted. Under the impugned Award, the Applicant has been granted 1/3rd share in the compensation amount and the 1st and 2nd Respondents are also granted 1/3rd share each.

3. During the pendency of the Appeal, the Applicant can withdraw his 1/3rd share of the compensation amount as the impugned Award has not been challenged by the 1st and 2nd Respondents. As

the Appeal is admitted for final hearing, the 1st and 2nd Respondents can withdraw the amount coming to their share provided they furnish security to the satisfaction of the Reference Court.

4. Hence the Civil Application is disposed of by passing the following order:

i) It will be open for the 1st and 2nd Respondents to withdraw the amount payable to them as per the impugned order provided the said Respondents furnish adequate security for the said amount to the satisfaction of the Reference Court. As there is no challenge to the Award by the Respondents, the Applicant can withdraw the amount of his share as per the amount awarded.

ii) There will be no order as to costs.

Judge.